

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

August 31, 2006

Honorable Conrad Burns  
United States Senator  
187 Dirksen Senate Office Building  
Washington, DC, 20510

Re: Derby fire

Dear Senator Burns:

I appreciate your concern for losses resulting from the Derby fire and support for those fighting this and other fires. Governor Schweitzer is currently touring the area and meeting with those affected.

Ten days ago, on August 21, 2006, Governor Schweitzer issued Executive Order No. 37-06 proclaiming a disaster to exist in the State of Montana. Governor Schweitzer signed the first executive order making the Guard available July 11. National Guard helicopters were operational by August 3.

Under the auspices of Executive Order No. 37-06, all state resources, including Montana National Guard troops, are currently deployed to protect life, health and property. At 5:15 pm MST, yesterday afternoon, the State of Montana requested a Fire Management Assistance Grant from FEMA to provide reimbursement for eligible fire suppression costs that was approved little over an hour later.

I can assure you all available resources are being and will continue to be used to prevent further loss. Again, we appreciate your support for the fire fighters and those suffering loss and dislocation from this tragic fire.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Nelson".

Bruce Nelson  
Chief of Staff

Enclosures

# State of Montana

## Office of the Governor

Executive Order 34 - 06

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### EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN THE STATE OF MONTANA

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WHEREAS, extremely hazardous wildland fire conditions currently exists throughout the State of Montana; and

WHEREAS, the hot and dry conditions are predicted to continue through the summer months; and

WHEREAS, numerous wildland fires have occurred in the State of Montana; and

WHEREAS, in the past, an aggressive initial attack on all wildland fire starts has been the top priority of Montana's fire fighting forces; and

WHEREAS, an aggressive initial attack considerably reduces the number of large wildland fires, which in turn significantly reduces the damage to both public and private property; and

WHEREAS, continued aggressive initial attacks on all future wildland fire starts are needed to protect lives and property in the state; and

WHEREAS, additional state resources are needed to reinforce Montana's initial attack capabilities and support reduction of large wildland fires should they occur; and

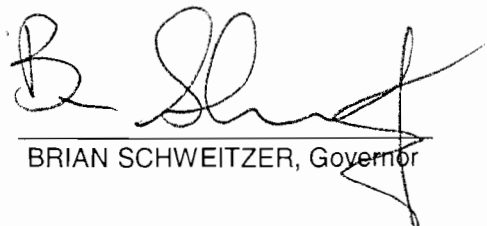
WHEREAS, wildland fires have been and are currently burning and have created an imminent threat of a disaster, which timely actions can avert or minimize; and

WHEREAS, under these conditions, pursuant to §§ 10-3-302, 10-3-311, and 10-3-312, MCA, the Governor may mobilize state resources and the Montana National Guard to protect life, health, and property and may expend funds to meet contingencies and needs that may arise from the emergency.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Montana Constitution, Title 10, Chapter 3, MCA, and other applicable laws of the State of Montana, do hereby declare that an emergency exists in the State of Montana, as defined in §§ 10-3-103 and 10-3-302, MCA,.

This order is effective July 11, 2006.

Given under my hand and the  
GREAT SEAL of the State of  
Montana, This 11th day  
of July, 2006.



BRIAN SCHWEITZER, Governor

ATTEST:



BRAD JOHNSON, Secretary of State.

State of Montana  
Office of the Governor

Executive Order 36 - 06

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST  
IN THE STATE OF MONTANA

RECEIVED  
HEALTH DEPARTMENT  
2006 AUG - 1 AM 10:48  
BRAD J. ROSS  
SECRETARY OF STATE

WHEREAS, extremely hazardous wildland fire conditions continue to exist throughout the State of Montana; and

WHEREAS, the hot and dry conditions are predicted to continue through the months of August and September with little or no relief; and

WHEREAS, numerous large wildland fires have already occurred across the State of Montana; and

WHEREAS, the conditions existing in Montana are mirrored in many areas across the nation; and

WHEREAS, on July 28, 2006, the National Incident Information Center for the United States Department of Agriculture upgraded the National Preparedness Level to Level 5, the highest level, because several geographic areas of the country were known to be experiencing major incidents, with the consequent potential to exhaust all interagency suppression resources; and

WHEREAS, because of these conditions in other areas of the country, national resources are stretched among many jurisdictions; and

WHEREAS, in Montana, we have reached across our northern international border for firefighting assistance from Canada; and

WHEREAS, since July 11, 2006, six Montana counties have declared states of emergency (Rosebud, Granite, Madison, Ravalli, Missoula and Powder River) and seven have declared states of disaster (Stillwater, Yellowstone, Custer, Big Horn, Garfield, Treasure, and Musselshell); and

WHEREAS, the fire danger in Montana has expanded to more areas of urban interface, and a number of structures including residences have already been destroyed by these fires; and

WHEREAS, the aggressive initial attack provided by firefighting forces in Montana has successfully contained and put out a number of fires (including forty fires within the last week across the State); and

WHEREAS, new fires continue to erupt, requiring the continuation of aggressive initial attacks; and

WHEREAS, it is essential that firefighting forces provide not only initial attack capabilities, but extended attack capabilities as well; and

WHEREAS, additional state resources are needed to reinforce Montana's initial attack capabilities and sustain extended attack capabilities; and

WHEREAS, the wildland fires that have been and are currently burning have created an imminent threat of a disaster causing immediate peril to life or property that timely actions can avert or minimize; and

WHEREAS, under these conditions, pursuant to 10-3-302, 10-3-311, and 10-3-312, MCA, the Governor may mobilize state resources and the Montana National Guard to protect life, health, and property and may expend funds to meet contingencies and needs that may arise from the emergency.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Montana Constitution, Title 10, Chapter 3, MCA, and other applicable laws of the State of Montana, do hereby declare under § 10-3-302, MCA, that an emergency exists in the State of Montana, as defined in § 10-3-103, MCA.

This order is effective August 1, 2006.

Given under my hand and the  
GREAT SEAL of the State of  
Montana, this 1<sup>st</sup> day  
of August, 2006.

  
BRIAN SCHWEITZER, Governor

ATTEST:



BRAD JOHNSON, Secretary of State.

State of Montana  
Office of the Governor



Executive Order No. 37-06

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EXECUTIVE ORDER PROCLAIMING A DISASTER  
TO EXIST IN THE STATE OF MONTANA

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WHEREAS, extremely dry conditions and high winds continue to create hazardous fire conditions across the state; and

WHEREAS, wildland fires have been and are currently burning and have created an imminent threat of widespread or severe damage, which timely actions can avert or minimize; and

WHEREAS, firefighting resources continue to be scarce due to extreme wildland fire conditions across the western portion of the United States; and

WHEREAS, additional state resources continue to be needed to reinforce Montana's initial and extended attack capabilities and support reduction of large wildland fires when they occur; and

WHEREAS, under these conditions, pursuant to §§ 10-3-303, 10-3-311, and 10-3-312, MCA, the Governor may mobilize state resources and the Montana National Guard to protect life, health and property and may expend funds to meet contingencies and needs that may arise from the disaster.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, by virtue of the authority vested in me pursuant to Montana Constitution, Title 10, Chapter 3, MCA, and other applicable laws of the state of Montana, do hereby declare under § 10-3-303, MCA that a disaster exists in the State of Montana, as defined in § 10-3-103(3), MCA,.

This order is effective August 21, 2006.

Given under my hand and the  
GREAT SEAL of the State of  
Montana, this 21<sup>st</sup> day of  
August, 2006

A handwritten signature of Brian Schweitzer in black ink.

BRIAN SCHWEITZER, Governor

ATTEST:

A handwritten signature of Brad Johnson in black ink.

Brad Johnson, Secretary of State

**Nelson, Bruce**

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**From:** Conley, Ed [ed.conley@dhs.gov]  
**Sent:** Thursday, August 31, 2006 7:54 AM  
**To:** Holly Luck; Ching, Elizabeth; Joy Tatarka; Melodee Hanes; James Swartout; Pam Tierney-Crisafulli; Todd Capser; Randy Vogel - Rep. Rehberg; Ruth Bond - Rep. Rehberg; Lay, Monique; Nelson, Bruce  
**Cc:** Flowers, Robert; Gore, Doug; Kainrad, John; Rucker, Lesli; Rivera, Luisa; Jensen, Derek; Smith, Heather R; Watrel, William; McIntyre, James  
**Subject:** FEMA Approves Fire Suppression Grant for Montana  
**Attachments:** oledata.mso; image001.wmz; header.htm; fmag fact sheet\_06 (2).doc; FMAG quickfact\_06 (2).doc

Good Morning,

Based on a request from the state of Montana, FEMA has granted a Fire Management Assistance Grant for the Derby Fire which is burning near the town of Nye, Montana.

The state requested the assistance yesterday afternoon at 5:15 p.m. mountain time and FEMA approved the request in less than 90 minutes at 6:30 p.m. mountain time.

At the time of the state's request the fire was threatening more than 200 homes and 600 people were under a mandatory evacuation order.

Attached is additional information on the FEMA assistance. This assistance will help reimburse the state and local government for fire fighting costs. It does provide assistance to individuals or businesses.

Please contact Luisa Rivera at (303) 235-4944 if you need additional information.

Ed Conley  
 FEMA  
 (303) 235-4909



# FEMA

## FACT SHEET

### Federal Emergency Management Agency **Fire Management Assistance Grants**

#### General

- The Fire Management Assistance Grant Program (FMAGP) is authorized under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Act, 42 U.S.C. 5187, as amended by the Disaster Mitigation Act of 2000.
- FMAGP allows for the "mitigation, management, and control" of fires burning on publicly or privately owned forest or grasslands which threaten such destruction as would constitute a major disaster.

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- FMAGP allows for the provision of assistance under Section 403, Essential Assistance of the Stafford Act (also considered to be Public Assistance Category B (Emergency Work)).
- FMAGP allows State, Indian tribal, and local entities to apply to the Grantee for subgrants.

### **Declaration Process**

Declarations operate on a 24-hour real-time basis and are frequently conducted over the telephone and with written follow-up. The declarations process is as follows:

- Governor of a State submits request for a fire management assistance declaration to the Regional Director while the fire is burning uncontrolled;
- Regional Director gathers State's information, calls upon the Principal Advisor for an assessment, and develops a Regional summary and recommendation to be forwarded to the Under Secretary, or designee;
- Under Secretary, or designee, approves or denies State's request based on the following:
  - The conditions that existed at the time of State's request;
  - Whether or not the fire or fire complex threatens such destruction as would constitute a major disaster.
- There are four criteria in which the Under Secretary, or designee, evaluates the threat posed by a fire or fire complex:
  - Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;
  - Availability of State and local firefighting resources;

**A State may also appeal any FEMA determination made on eligibility. This type of appeal is a two-level process. The Regional Director will render the determination on the first level appeal. The Recovery Division Director will render the determination on the second level appeal. The Recovery Division Director's determination will be the final administrative decision for FEMA.**

- High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System;

- Potential major economic impact.

After rendering a determination, the Under Secretary, or designee, notifies the Regional Director, who in turn notifies the State.

### **Eligibility**

Eligible costs include:

- Costs for equipment and supplies (less insurance proceeds
- Costs for emergency work (evacuations and sheltering, police barricading and traffic control, arson investigation);
- Costs for State emergency operations center (when used as a Unified Command Center);
- Costs for the pre-positioning of Federal, out-of State, and international resources for up to 21 days;
- Cost of personal comfort and safety items for firefighter health and safety;
- Costs for field camps and meals in lieu of per diem;
- Costs for mobilization and demobilization costs;
- Costs for the temporary repair of damage cause by firefighting activities;
- Costs for the mitigation, management, and control of declared fires burning on co-mingled Federal

when such costs are not reimbursable by another Federal agency.

## **Grants Management**

### **Fire Cost Threshold**

- Before we approve an initial grant award to the State under a FMAGP declaration, the State's grant application (SF 424) must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold, which is applied to each and every fire, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a State.
- The individual fire cost threshold for a State is the greater of:
  - \$100,000, or
  - Five percent x  $\$1.09 \frac{*}{}$  x the State population.
- The cumulative fire cost threshold for a State is the greater of the following:
  - \$500,000; or
  - Three times the five percent x  $\$1.09$  x the State population.
- Under the cumulative fire cost threshold, assistance will only be provided for the declared fire responsible for meeting or exceeding the cumulative fire cost threshold and any future declared fires for that calendar year.

### **Cost Share**

75 percent Federal cost share to be applied to all fire management assistance grants. FEMA does not actually fight the fire. But if a Fire Management Assistance Grant is awarded, FEMA will reimburse state and local governments 75% of the eligible fire management costs.

### **Eligible Costs**

- Some of the eligible fire management costs are:
  1. Firefighting and support services
  2. Pre-positioning of federal, out-of-state, and international resources
  3. Evacuations
  4. Sheltering
  5. Traffic control
  6. Security
  7. Emergency Operations Centers
  8. Temporary repairs of damage caused by firefighting activities
- **These grants do not provide assistance to individual home or business owners and do not cover other infrastructure damage caused by the fire.**

8/31/2006



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